

OFFICIAL PROCEEDINGS OF THE COUNTY BOARD OF NOBLES COUNTY, MINNESOTA

The County Board of Nobles County met in regular session this 23rd day of August, 2016, in the Board of Commissioners Room, at the Nobles County Government Center, Worthington, Minnesota. The following Commissioners were in attendance: Marvin Zylstra, Matt Widboom, Robert Demuth Jr. and Donald Linssen. Absent: Gene Metz.

The Pledge of Allegiance to the flag was recited.

On a motion by Marvin Zylstra and seconded by Robert Demuth Jr., it was duly passed to approve the agenda.

On a motion by Robert Demuth Jr. and seconded by Marvin Zylstra, it was duly passed to approve the consent agenda.

- 5.1 August 2, 2016 Regular Meeting Minutes
- 5.2 August 10, 2016 Special Meeting Minutes
- 5.3 Meetings & Conferences - Travel Expenses
- 5.4 Auditor's and Commissioner's Warrants

Jay Trusty, Southwest Regional Development Commission, presented the Board with the SRDC's strategic planning process.

Neal Steffi, Southern Minnesota Opportunity Council, presented the Board with SMOC's 2015 Expenditure Report.

Wayne Smith, Environmental Services Director, presented the Board with information and recommendations in the areas of Granny Pod Legislation and a conditional use permit.

On a motion by Matt Widboom and seconded by Robert Demuth Jr., it was duly passed to adopt the following resolution number 201645 opting out of the requirements of Minnesota Statutes, Section 394.307:

WHEREAS, on May 12, 2016, the Governor of Minnesota signed into law Chapter 111 of the 89th Legislature of the State of Minnesota establishing definitions and requirements for Temporary Family Health Care Dwellings, which was introduced during the 2016 legislative session as Senate File 2555 and on House File 2497; and

WHEREAS, Chapter 111 amends Minnesota Statute § 394 which regulates county permitting and zoning processes by establishing new rules for the placement of Temporary Family Health Care Dwellings on residential property; and

WHEREAS, the Minnesota Association of County Planning & Zoning Administrators, the professional association for county planning and zoning staff in Minnesota, supports the concept of Temporary Family Health Care Dwellings; and

WHEREAS, Chapter 111 erodes local control of the permitting process; limiting a county's ability to foster and guide development, and placing an undue burden on county staff to forego standard permitting and practices; and

WHEREAS, it is the intent of the Nobles County Board of Commissioners to protect the public health, safety and welfare of County residents and the environment of the County; and

WHEREAS, subdivision 9 of Minnesota Statute § 394.307 allows a county to "opt-out" of the regulations through the passage of a county board resolution; now therefore,

BE IT RESOLVED, Nobles County elects to regulate Temporary Family Health Care Dwellings through already existing permitting standards of the Nobles County Zoning Ordinance; and

BE IT RESOLVED, pursuant to authority granted by Minnesota Statutes, Section 394.307, Subdivision 9, the County of Nobles opts-out of the requirements of Minnesota Statute § 394.307, which defines and regulates Temporary Family Health Care Dwellings.

On a motion by Robert Demuth Jr. and seconded by Matt Widboom, it was duly passed to approve Conditional Use Permit #21-2016 to Steve and Barb Bents, MG Vaults, Rushmore, MN, for an extended home occupation to consist of vault construction and sales in an existing building located on the east 56.77 rods of the north 31 rods of the S ½ SE ¼, Section 16, Twp. 101, Range 41 (Ransom Township) with the condition recommended by the Nobles County Planning Commission as presented.

Stephen Schnieder, Public Works Director, presented the Board with information and a recommendation in the area of a bid award for bridge replacement projects. Four bids were received and the lowest responsible bidder came in \$201,440.25 below the estimate.

On a motion by Marvin Zylstra and seconded by Matt Widboom, it was duly passed to award the contract for bridge replacement projects to Midwest Contracting, LLC, Marshall MN in the amount of \$1,386,371.00 as lowest responsible bidder.

Kathleen Kusz, County Attorney, presented the Board with information and a recommendation in the area of a Joint Powers Agreement between the Minnesota Counties Computer Cooperative (MnCCC) and Nobles County.

On a motion by Matt Widboom and seconded by Marvin Zylstra, it was duly passed to approve the Amended and Restated Joint Powers Agreement between the Minnesota Counties Computer Cooperative and Nobles County to amend, restate and redefine the operation of MnCCC, and the rights, benefits, obligations and liabilities of MnCCC members. A copy of the Agreement was before the Board and is made a part of this resolution by reference.

Casey Borgen, Christine Bullerman, Cecilia Bofah, Owar Ojulu, Caitlyn Gilbertson and Amber Hughes updated the Board on wellness initiatives being carried out in Nobles, Jackson and Cottonwood Counties through the Statewide Health Improvement Plan (SHIP) grant, and the Community Wellness Grant (CWG).

Jerry Vyskocil, Finance Director, presented the Board with information and a recommendation in the area of a Maintenance and Support Contract with TriMin for the Integrated Financial System.

On a motion by Robert Demuth Jr. and seconded by Marvin Zylstra, it was duly passed to ratify an agreement between the Minnesota Counties Computer Cooperative (MnCCC), a joint powers organization, and TriMin Systems, Inc. for the benefit of and use by its participating end user members. A copy of the Agreement was before the Board and is made a part of this resolution by reference.

Sue Luing, HR Director/Deputy County Administrator, presented the Board with information in the area of personnel.

On a motion by Matt Widboom and seconded by Robert Demuth Jr., it was duly passed to authorize the County Administrator to sign, on behalf of Nobles County, a Memorandum of Agreement between AFSCME Local 2558 and Nobles County for the purpose of granting a temporary alternate schedule. A copy of the Memorandum of Agreement was before the Board and is made a part of this resolution by reference.

On a motion by Marvin Zylstra and seconded by Robert Demuth Jr., it was duly passed to accept the Accountant job description classified with 290 points at a level 12.

Tom Johnson, County Administrator, presented the Board with information and recommendations in the area of County Administration.

On a motion by Robert Demuth Jr. and seconded by Matt Widboom, it was duly passed to change the number of Resolution 201637 Joint Powers Agreement adopted June 7, 2016 to Resolution 201644; and further, to amend the June 7, 2016 minutes with this change.

On a motion by Robert Demuth Jr. and seconded by Matt Widboom, it was duly passed to approve the Professional Services Agreement between Blue Lake Websites and Nobles County in the amount of \$3500 to \$4000 for the purpose of the new Nobles County Website Development. A copy of the Agreement was before the Board and is made a part of this resolution by reference. The Board questioned how future maintenance of the site would be handled and Mr. Johnson advised that it would be covered by a separate contract.

The Board was presented with bid tabulations with 2 alternates for the 9th Street Entrance Repair Project.

Name	Base Bid	Alternate #1	Alternate #2
Wilcon Construction, St. James MN	\$ 51,800	\$73,900	\$11,800
Doom & Cuypers Construction, Marshall MN	\$ 47,462	\$32,485	\$5,638

Mr. Johnson advised the Board that the base bid included all concrete and hand rails, including the steps, ramp and lower patio area. Alternate #1 was for a hydronic heating system to keep ice from collecting at the entrance and Alternate #2 was for a standby pump to ensure the system does not fail.

Commissioner Widboom advised that he was in support of Alternate #1 but not Alternate #2 and questioned the necessity.

On a motion by Marvin Zylstra and seconded by Robert Demuth Jr., it was duly passed to award the contract for the 9th Street Entrance Repair Project to Doom & Cuypers Construction in the amount of \$85,585.00 as lowest responsible bidder.

In Favor: Marvin Zylstra, Robert Demuth Jr., Donald Linssen
 Opposed: Matt Widboom
 Absent: Gene Metz

Mr. Johnson advised the Board that he had been reviewing maps with the Public Works Director and believes the Viewer's Report for the Redetermination of Benefits for Nobles County Ditch No. 11 was incorrectly modeled as it states the ditch system outlet is into Nobles County Ditch No. 11 where it actually outlets into Judicial Ditch 11B. Mr. Johnson advised that according to some of the Public Works' records, County Ditch No. 11 was the original ditch and Judicial Ditch 11B was added later, which includes 100% of County Ditch No. 11 as it surrounds it.

Coleen Gruis, 1st Vice Chair of the Kanaranzi Little Rock Watershed District, and Layton Gruis, 2nd Vice Chair of the Kanaranzi Little Rock Watershed District, were in attendance. Mr. Gruis addressed the Board that the County had ordered the viewing but not for exactly what was petitioned against the Kanaranzi Little Rock Watershed District.

Mr. Johnson advised that the County's only responsibility was to accept the report for the redetermination.

Mr. Gruis questioned if from an economic standpoint, since the Viewers gave the bigger picture, can the petitioner change their petition as they now have a larger scope of information.

Commissioner Zylstra agreed that it appears that the benefits that the Viewers determined were larger than what was requested.

Commissioner Linssen agreed and reiterated that the scope of the original petition was for County Ditch No. 11, and the benefits went into Judicial Ditch 11B and the redetermination is available to both sides.

Mr. Johnson advised that there isn't a hard deadline so the improvement could be decided on by the Kanaranzi Little Rock Watershed District. There is nothing else pending.

Mr. Gruis stated the Kanaranzi Little Rock Watershed District just wants it to be done correctly.

County Attorney Kathleen Kusz advised it may be counterproductive to order the redetermination of Benefits report be split into 3 systems until any remaining questions have been answered.

The Board directed Administrator Johnson to contact Bruce Sellers, Wendland Sellers Law Office, P.A. to clarify the remaining questions and bring the item forward to the September 6th agenda.

On a motion by Robert Demuth Jr. and seconded by Matt Widboom, it was duly passed to approve sending the support letter for the Border to Border Broadband grant by Lismore Telephone Company; and further, to authorize the County Administrator to sign the letter as the Clerk to the Board on behalf of the Commissioners.

On a motion by Robert Demuth Jr. and seconded by Marvin Zylstra, it was duly passed to approve the following resolution:

WHEREAS, it is the duty of the Board of Commissioners to appoint citizens to various Boards, Committees and Commissions of Nobles County.

BE IT THEREFORE RESOLVED, to appoint the following persons, for the term specified on Boards, Committees and Commissions as listed:

**Nobles County DAC Board
(3 year unexpired term expiring December 31, 2017)
James Elsing, Worthington**

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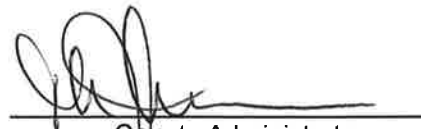
**Revolving Loan Fund Review Committee
(2 year term expiring August 31, 2018)
James Elsing, Citizen
Doug Tate, Financial Institution - Worthington**

No Inter-Agency Reports/Announcements were given.

On a motion by Matt Widboom and seconded by Marvin Zylstra, it was duly passed to adjourn the meeting at 11:02 a.m.

Attest:


Chairperson


County Administrator